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PART-IV

GOVERNMENT OF MEGHALAYA

LAW (B) DEPARTMENT

NOTIFICATION

The 27th September, 2022.

No.LL(B).99/2011/Pt./270. – The National Law University of Meghalaya Act, 2022 (Act No. 10 of 2022) is hereby published for general information.

MEGHALAYA ACT NO. 10 OF 2022.

(As passed by the Meghalaya Legislative Assembly)

Received the assent of the Governor on the 23rd September, 2022.

Published in the Gazette of Meghalaya Extra-Ordinary issue dated 27th September, 2022.

THE NATIONAL LAW UNIVERSITY OF MEGHALAYA ACT, 2022**An****Act**

to provide for the establishment of a Law University by the name of the National Law University of Meghalaya at Shillong for imparting legal education for development of teaching and higher learning in law with powers to award degrees, diplomas, and other academic distinctions and also to impart legal education and training as mandated by the Ministry of Law and Justice, Government of India.

And whereas in furtherance of the said objects, the Government has decided that teaching and research facilities available in the Law University can also be utilized to offer comprehensive legal training apart from development of teaching and higher learning in law with powers to award degrees, diplomas, and other academic distinctions and for matters connected therewith or incidental thereto;

Be it enacted by the Legislature of the State of Meghalaya in the Seventy-third Year of the Republic of India as follows:-

CHAPTER – I
PRELIMINARY

Short title extent and commencement.

1. (1) This Act may be called the National Law University of Meghalaya Act, 2022.
- (2) It extends to the whole of Meghalaya.
- (3) It shall come into force with effect from the date of its notification in the Official Gazette.

Definitions.

2. In this Act, unless the context otherwise requires, -
 - (a) “Act” means National Law University of Meghalaya Act, 2022;
 - (b) “Authorities of the Law University” means the authorities mentioned in Section 8 of this Act;
 - (c) “Bar Council of India” means the Bar Council of India constituted under the Advocate Act, 1961;
 - (d) “Chancellor” means the Chancellor of the University mentioned in Section 7 of this Act;
 - (e) “General Council” means the General Council mentioned in Section 9 of this Act;
 - (f) “Government” means the Government of Meghalaya;
 - (g) “High Court” means the High Court of Meghalaya;
 - (h) “Law University” means the National Law University of Meghalaya established under Section 3 of this Act;
 - (i) “Prescribed” means prescribed by the Rules, Statutes and Regulations made under this Act;

- (j) “Registrar” means the Registrar of the Law University appointed under Section 18 of this Act;
- (k) “UGC” or “University Grants Commission” means the University Grants Commission established under the University Grants Commission Act, 1956; and
- (l) “Vice-Chancellor” means the Vice-Chancellor of the University mentioned in Section 17 of this Act.

CHAPTER - II THE LAW UNIVERSITY

Establishment of the Law University.

3. (1) There shall be established in the State of Meghalaya, a Law University by the name of “The National Law University of Meghalaya”.

(2) The Law University shall be a body corporate having perpetual succession and a common seal and shall be capable of entering into contract and sue and be sued by its name represented by the Registrar of the Law University.

(3) The Law University shall be fully residential and be engaged in teaching and research in law with powers to award degrees, diplomas, and other academic distinction and imparting training in allied disciplines.

(4) The main seat of the Law University shall be at Shillong and it may establish campuses at such other places within the State of Meghalaya as it may deem fit.

(5) The Law University shall be fully funded through the grants allotted by the State Government on the budget proposals submitted by the University. The grants provided by the State Government shall be operated through the Personal Ledger Account of the Government.

Objects of the Law University.

4. The object of the Law University shall be-

- (i) to organize advanced studies and promote research in all branches of law;
- (ii) to disseminate legal knowledge by organizing lectures, seminar, workshops, and conferences;
- (iii) to promote cultural, legal and ethical values with a view to promote and foster the rule of law and the objectives enshrined in the Constitution of India;
- (iv) to improve the ability to analyze and present for the benefit of the public contemporary issue of public concern and their legal implication;
- (v) to liaise with instruction of higher learning and

research in India and abroad;

- (vi) to publish periodicals, treatises, study books, reports, journals and other literature on all subjects relating to law;
- (vii) to hold examinations and grant degree and confer honorary awards and other academic distinctions;
- (viii) to promote legal awareness in the community for achieving social and economic justice;
- (ix) to undertake study and training projects relating to law and legislation to the members of the Judicial institutions;
- (x) to do all such things as are incidental, necessary or conducive to the attainment of all or any of the objectives of the Law University; and
- (xi) to nurture and to promote quality and excellence in legal studies and research.

Powers and functions of the Law University.

5. The powers and functions of the Law University shall be, -

- (i) to administer and manage the Law University and such other centers for study, research, education and instruction as are necessary in furtherance of the objects of the Law and to provide for instruction in all branches of knowledge or learning pertaining to law and allied subjects as the Law University may deem fit;
- (ii) to make provisions for training, research and for the advancement and dissemination of knowledge of law to all the Departments of the State Government;
- (iii) to hold examination and to confer degrees, titles, diplomas and other academic distinctions on persons subject to such conditions as the Law University may determine and to withdraw any such degrees, titles, diplomas and other academic distinctions subject to such conditions as the Law University may determine;
- (iv) to fix, demand and receive fees and other charges as may be prescribed;
- (v) to establish special centers, specialized study centers or other units for research and instructions as are in the opinion of the Law University, necessary in furtherance of its objects;
- (vi) to supervise and control the residence and to regulate the discipline of the trainee students and staff of the Law University and to make arrangement for promoting their health and general welfare;

- (vii) to regulate and enforce discipline among the employees of the Law University and to take such disciplinary measures as may be deemed necessary;
- (viii) to appoint persons as professors, associate professors, assistant professors, readers, lecturers or otherwise as teachers and researchers of the Law University and as other classes of employees;
- (ix) to institute Awards, Fellowships, Scholarships, Prizes and Medals;
- (x) to provide for printing, reproduction and publication of research and other works and to organize exhibitions;
- (xi) to co-operate with any other organization in the matter of education, training and research in law, justice, social development and allied subjects for such purposes as may be agreed upon on such terms and conditions as the Law University may from time to time determine;
- (xii) to co-operate with institutions of higher learning in any part of the world having objects wholly or otherwise similar to those of the Law University by exchange of teachers and scholars and generally in such manner as may be conducive to the common objects;
- (xiii) to receive grants, subventions, subscriptions, donations and gifts for the purposes of the Law University consistent with the objects for which the Law University is established;
- (xiv) to accept grants of money, securities or property of any kind or description on such terms and conditions as may be deemed expedient;
- (xv) to raise and borrow money on bonds, mortgages, promissory notes or other obligations or securities funded or based upon all or any of the properties and assets of the Law University or without any securities and upon such terms and conditions as, it may think fit, and to pay out of the funds of the Law University, all expenses incidental to the raising of money, and to repay and redeem any money borrowed or debt made;
- (xvi) to invest the funds of the Law University or moneys entrusted to the Law University in or upon such

securities or deposits and in such manner as it may deem fit and from time to time transpose any investment;

- (xvii) to make such Statutes, Regulations and other instruments as may, from time to time, be considered necessary for reservation of seats and vacancies in terms of norms being followed by all other National Law Universities in other States and also the reservation policy of the State Government;
- (xviii) to constitute for the benefit of the academic, technical, administrative and other staff, in such manner and subject to such conditions as may be prescribed, pension, insurance, provident fund and gratuity and other schemes as it may deem fit and to make such grants as it may think fit for the benefit of the staff of the Law University and to aid in the establishment and support of associations, institutions, funds and trusts for the benefit of the staff and the students of Law University;
- (xix) subject to approval of the Government, to create academic, technical, administrative, ministerial and other posts and to make appointments thereto;
- (xx) to institute professorships, associate professorships, assistant professorships, readerships, lectureships and any other teaching, academic or research posts required by the Law University;
- (xxi) to regulate the expenditure and to manage the accounts of the Law University;
- (xxii) to enter into any agreement with the Central Government, State Government, the University Grants Commission, the Bar Council of India or other Authorities for receiving grants;
- (xxiii) to establish and maintain within the premises of the Law University or elsewhere such Universities, colleges and Study halls as the Law University may consider necessary and adequately furnish the same and to establish and maintain such libraries and reading rooms as may appear convenient or necessary for the Law University;
- (xxiv) to directly purchase, take on lease, or accept as gifts, or otherwise any land as per law or building or works,

which may be necessary or convenient for the purpose of the Law University and on such terms and conditions as it may think fit and proper and to construct or alter and maintain any such building or works;

- (xxv) to sell, exchange, lease or otherwise dispose of all or any portion of the properties of the Law University, movable or immovable as per law on such terms and conditions as it may think fit and proper without prejudice to the interests and activities of the Law University;
- (xxvi) to draw and accept, to make and endorse, to discount and negotiate Government of India and other promissory notes, bills of exchange, cheques or other negotiable instruments;
- (xxvii) to execute conveyances, transfers, re-conveyances, mortgages, leases, licenses and agreements in respect of property, movable or immovable including Government securities belonging to the Law University or to be acquired for the purpose of the Law University;
- (xxviii) to appoint in order to execute an instrument or transact any business of the Law University any person as it may deem fit;
- (xxix) to give up and cease from carrying on any classes or departments of the Law University;
- (xxx) to make such Statutes, Regulations and other instruments as may, from time to time, be considered necessary for regulating the affairs and the management of the Law University and its properties and to alter, modify and to rescind them; and
- (xxxi) to do all such other Acts and things as the Law University may consider necessary, conducive or incidental to the attainment or enlargement of the aforesaid objects or any of them.

Teaching in the Law University.

6. (1) All recognized teachings of the Law University in connection with the degrees, diplomas, certificates including training of the Officers shall be conducted under the Control of the General Council, by the teachers and trainers, in accordance with the syllabus prescribed by the Regulation.

(2) The courses and curricula and the authorities responsible for organizing the teaching of such courses and curricula shall be as prescribed

Visitor and Chancellor of the Law University.

by the Regulations.

7. (1) The Chief Justice of India or his nominee, who shall be Senior Judge of the Supreme Court of India, shall be the Visitor of the University.

(2) The Visitor when present shall preside over the convocation of the University.

(3) The Chief Justice of High Court of Meghalaya, shall be the Chancellor of the Law University and in his absence, the acting Chief Justice of Meghalaya High Court shall discharge the functions of the Chancellor.

(4) The Chancellor, when present, shall preside over the functions of the Law University.

(5) The Chancellor may himself inspect at any time or may also direct inspection to be made by such person or persons as he may direct, of the Law University, its buildings, libraries and equipments and of any institution maintained by the Law University, and also of the schedule training, examination, teaching and other works conducted or done by the Law University and cause an enquiry to be made in the like manner in respect of any matter connected with the administration and finances of the Law University.

(6) The Chancellor may offer such advice to the Law University as he may deem fit with reference to the result of such inspection of inquiry.

(7) The Law University shall communicate to the Chancellor the action taken or proposed to be taken on such advice.

(8) In case of differences among the authorities or officers of the Law University on any matter which cannot be otherwise resolved, the decision of the Chancellor shall be final.

(9) The Chancellor may invite a person or persons of eminence in the law and legal education to advise the Law University in relation to affairs of the Law University as and when he deems it necessary.

(10) The Chancellor, when present and in the absence of the Visitor shall preside over the convocations of the University.

CHAPTER III AUTHORITIES OF THE LAW UNIVERSITY

Authorities of the Law University.

8. The following shall be the authorities of the Law University:-

- (a) the General Council;
- (b) the Executive Council;
- (c) the Academic Council;

- (d) the Finance Committee; and
- (e) such other authorities as may from time to time be declared as such by the General Council.

General Council and its terms of Office.

9. (1) The General Council shall consist of the following members: -
- (i) the Chancellor shall be the President of the General Council;
 - (ii) a sitting Judge of High Court of Meghalaya nominated by the Chief Justice of the High Court of Meghalaya;
 - (iii) Advocate General of Meghalaya;
 - (iv) Vice-Chancellor of the Law University;
 - (v) an eminent educationist nominated by the Government of Meghalaya;
 - (vi) A nominee of the Chairman of the Bar Council of India from amongst the members of the Bar Council of India;
 - (vii) Chairman, Bar Council of Meghalaya;
 - (viii) two eminent persons in the disciplines of Social Sciences and Humanities nominated by the Chancellor;
 - (ix) two eminent persons in legal or educational field, nominated by the Chancellor;
 - (x) four members from the Government of Meghalaya amongst whom, the Chief Secretary to the Government of Meghalaya, the Secretary to the Government of Meghalaya, Finance Department, the Secretary to the Government of Meghalaya, Education Department and the Legal Remembrancer and Secretary to the Government of Meghalaya, Law Department. Secretary here shall mean and include Additional Chief Secretary, Principal Secretary and Commissioner and Secretary to the Government of Meghalaya;
 - (xi) the Registrar General, High Court of Meghalaya;
 - (xii) the Registrar of the Law University will be the Member-Secretary of the General Council; and
 - (xiii) all the Professors, who are the Heads of Department in the Law University.

(2) Where a person has become a member of the General Council by reason of the post or appointment he holds, his membership shall be co-

terminus with the post held by him.

(3) The term of the office of the nominated members of the General Council other than the ex-officio members shall be three years.

(4) A member of the General Council shall cease to be a member if he resigns or becomes a person of unsound mind, or insolvent or is convicted of criminal offence involving moral turpitude;

(5) A member of the General Council other than an ex-officio member may resign his office by a letter addressed to the President and such resignation shall take effect as soon as it has been accepted.

(6) Any such vacancy in the General Council shall be filled by nomination by the respective nominating authority and on expiry of the period of the vacancy, such nomination shall cease to be effective.

Powers, function and meetings of the General Council.

10. (1) The General Council shall be the plenary authority of the Law University and shall formulate and review from time to time the broad policies and programmes of the Law University and devise measures for the improvement and development of the Law University and shall also have the following powers and functions, namely, -

- (i) to consider and pass the annual report, financial statement and the budget estimates prepared by the Executive Council and to adopt them with or without modification;
- (ii) to make statutes concerning the administration and the affairs of the Law University including prescribing the procedures to be followed by the authorities and the officers of the Law University in the discharge of their functions; and
- (iii) to recommend the person to be appointed as Vice-Chancellor of the Law University from out of the panel prepared by the Selection Committee appointed by the Executive Council and proposed by it.

(2) The General Council shall meet at least once in a year. An annual meeting of the General Council shall be held on a date to be fixed by the Executive Council, unless some other date has been fixed by the General Council in respect of any year.

(3) A report of the working of the Law University during the previous year, together with a statement of receipts and expenditure, duly audited balance sheet, and the financial estimates shall be presented by the Vice-Chancellor of Law University to the General Council at its annual meetings.

(4) Meeting of the General Council shall be called by the Registrar of

Law University either at the request of not less than five members of the General Council or on the direction of the Chancellor.

(5) A meeting of the General Council may be convened upon giving fifteen days' notice in writing.

(6) One-half of the members existing on the rolls of the General Council shall form the quorum.

(7) Each member shall have one vote and if there be equality of votes on any question to be determined by the General Council, the person presiding over the meeting shall, in addition, have a casting vote.

(8) In case of difference of opinion among the members, the opinion of the majority shall prevail.

Executive Council.

11. (1) The Executive Council shall consist of the following members, namely, -

- (i) the Vice-Chancellor of the Law University;
- (ii) a sitting Judge of the High Court of Meghalaya nominated by the Chief Justice of the High Court of Meghalaya;
- (iii) Registrar General of the High Court of Meghalaya;
- (iv) Legal Remembrancer and Secretary to the Government of Meghalaya Law Department ;
- (v) Secretary to the Government of Meghalaya, Finance Department;
- (vi) Secretary to the Government of Meghalaya, Education Department;
- (vii) a nominee from the Bar Council of India;
- (viii) the Chairman Bar Council of the State of Meghalaya;
- (ix) The Registrar of the Law University will be the Member-Secretary of the Executive Council;
- (x) One Senior Grade-I, Judicial Officer, nominated by the Chancellor; and
- (xi) three Senior teachers to be nominated by the Vice-Chancellor of the Law University of whom, as far as possible, one shall be from amongst Heads of the Departments, one from Professors and one from Associate Professors.

(2) The Vice-Chancellor shall be the Chairman of the Executive Council.

(3) Where a person has become a member of the Executive Council by reason of the office or appointment he holds, his membership shall be co-terminus with the office held by him;

(4) The term of office of the nominated members of the Executive Council other than ex-officio members shall be three years.

(5) A member of the Executive Council shall cease to be a member, if he resigns or becomes of unsound mind or becomes insolvent or is convicted of a criminal offence involving moral turpitude. A member, other than the Vice-Chancellor of the Law University or Registrar of the Law University or teachers, shall also cease to be a member if he accepts a full time appointment in the Law University or if he being a teacher fails to attend three consecutive meetings of the Executive Council without the leave of the Vice-Chancellor of the Law University.

(6) A member of the Executive Council other than an ex-officio member may resign his office by a letter addressed to the Vice-Chancellor of the Law University and such resignation shall take effect as soon as it has been accepted by him;

(7) Any such vacancy in the Executive Council shall be filled by nomination by the respective nominating authority and on expiry of the period of vacancy, such nomination shall cease to be effective.

Powers, Functions and Meetings of the Executive Council.

12. (1) Subject to the provisions of this Act, the Executive Council shall have, in addition to all the other powers vested in it, the powers to frame regulations to provide for the administration and management of the affairs of the Law University:

Provided that the Executive Council shall not make any regulation affecting the status, powers or Constitution of any Authority of the University unless such authority has been given an opportunity of expressing an opinion in writing on the proposed changes.

(2) Without prejudice to the provisions of sub-section (1) above, the Executive Council shall have the following powers and functions, namely,-

- (i) to propose as and when required to the General Council for appointment as Vice-Chancellor of the Law University, a panel of three names after considering the recommendations of Selection Committee constituted under sub-section (1) of Section 22 of this Act;
- (ii) to recommend the names of three persons to the Chancellor for appointment as Registrar of the Law University on the recommendations of the Selection Committee constituted for that purpose by it;
- (iii) to prepare and present to the General Council at its annual

meetings: -

- (a) a report on the working of the Law University;
- (b) a statement of accounts; and
- (c) budget proposals for the ensuing academic year;
- (iv) to submit budget proposal, after its approval by the General Council, to the State Government for allotment of fund through grants to the University;
- (v) to manage and regulate the finances, accounts, investments, properties, business and all other administrative affairs of the Law University and for that purpose, constitute committee and delegate the powers to such committees or such officers of the Law University as it may deem fit;
- (vi) to invest any money belonging to the Law University, including any unapplied income, in such stock, funds, shares or securities. As it may, from time to time, think fit, or in the purchase of immovable property in India, with the like power of varying such investments from time to time;
- (vii) to transfer or accept transfers of any movable or immovable property as per law on behalf of the Law University;
- (viii) to enter into, vary, carryout and cancel contracts on behalf of the Law University and for that purpose to appoint such officers as it may think fit;
- (ix) to provide the buildings, premises, furniture and apparatus and other means needed for carrying on the work of the Law University;
- (x) to entertain, adjudicate upon, and if it thinks fit, to redress any grievances of the officers, the teachers, the students and the employees of the Law University;
- (xi) subject to approval of the Government, to create teaching, administrative, ministerial and other necessary posts, to determine the number and emoluments of such posts, to specify the minimum qualifications for appointment to such posts on such terms and conditions of service as may be prescribed by the Regulations made in this behalf;
- (xii) to appoint examiners and moderators, and if necessary to remove them and to fix their fees, emoluments and travelling and other allowances, after consulting the

Academic Council;

- (xiii) to select a common seal for the Law University; and
- (xiv) to exercise such other powers and to perform such other duties as may be considered necessary; or imposed on it by or under this Act.

(3) Meetings of the Executive Council shall be conducted as follows,-

- (i) the Executive Council shall meet at least once in four months upon giving fifteen days' notice in writing;
- (ii) the meeting of the Executive Council shall be called by the Vice-Chancellor of Law University or by the Registrar either on their own or at the request of not less than five members of the Executive Council;
- (iii) six members of the Executive Council shall form the quorum at any meeting;
- (iv) in case of differences of opinion among the members, the opinion of the majority shall prevail;
- (v) each member of the Executive Council shall have one vote and if there be equality of votes on any question to be determined by the Executive Council, the President of the Executive Council or as the case may be, the Member presiding over that meeting shall, in addition, have a casting vote;
- (vi) every meeting of the Executive Council shall be presided over by the Vice-Chancellor of the Law University and in his absence by a member chosen by the members present; and
- (vii) if urgent action by the Executive Council becomes necessary, the Vice-Chancellor of the Law University may permit the business to be transacted by circulation of papers to the members of the Executive Council. The action so proposed to be taken shall not be taken unless agreed to by a majority of members of the Executive Council. The action so taken shall be forthwith intimated to all the members of the Executive Council. The papers shall be placed before the next meeting of the Executive Council for confirmation.

Academic Council.

13. (1) The Academic Council shall consist of the following members, namely, -

- (i) the Vice-Chancellor of the Law University shall be the

Chairman;

- (ii) one sitting Judge of the High Court of Meghalaya, nominated by the Chancellor;
- (iii) Registrar General of the High Court of Meghalaya;
- (iv) the Registrar of the Law University shall be the Member Secretary;
- (v) two persons from amongst retired Judges of the High Court or educationists of repute or men of letters or members of the legal professions or eminent public men, who are not in the service of the Law University, nominated by the Chancellor;
- (vi) all the Heads of the Departments of the Law University;
- (vii) all Professors other than the Heads of the Department;
- (viii) two members of the teaching staff, one each respectively representing the associate and assistant professors of the Law University nominated by the Vice-Chancellor of Law University for the term specified;
- (ix) a nominee of the Bar Council of India; and
- (x) a nominee of the Bar Council of Meghalaya.

(2) The term of the members other than ex-officio members and those whose term is not specified by any of the clauses of sub-section (1) shall be three years:

Provided that the term of the members of the first Academic Council shall be five years.

Powers, functions and meetings of the Academic Council.

14. (1) Subject to the provisions of the Act, Statutes and Regulations and the overall supervision of the Executive Council, the Academic Council shall manage the academic affairs and matters of the Law University and in particular shall have the following powers and functions, namely, -

- (i) to report on any matter referred or delegated to it by the General Council or the Executive Council;
- (ii) to make recommendations to the Executive Council with regard to the creation, abolition or classification of teaching posts in the Law University and the emoluments payable and the duties attached thereto;
- (iii) to obtain approval of the Bar Council of India and UGC for all the certificates, diplomas and degrees to be

offered by the Law University;

- (iv) to formulate and modify or revise schemes for the organization of the faculties, and to assign to such faculties their respective subjects and also to report to the Executive Council as to the expediency of the abolition or sub-division of any faculty or the combination of one faculty with another;
- (v) to recommend arrangements for the training, instruction and examination of persons other than those enrolled in the Law University;
- (vi) to promote research within the Law University and to require from time to time, reports on such research;
- (vii) to consider proposals submitted by the faculties;
- (viii) to suggest and adopt policies for admissions to the Law University;
- (ix) to recommend, recognize diplomas and degrees of other Law Universities and institutions and to determine their equivalence in relation to the certificates, diplomas and degrees of the Law University;
- (x) to fix, subject to any conditions accepted by the General Council, the time, mode and conditions of competition for fellowships, scholarships and other prizes and to recommend for award the same;
- (xi) to make recommendations to the Executive Council in regard to the appointment of examiners and if necessary, their removal and fixation of their fees, emoluments, travelling and other expenses;
- (xii) to recommend arrangements for the conduct of examinations and the dates for holding them;
- (xiii) to declare or review the result of the various examinations or to appoint committees or officers to do so, and to make recommendations regarding the conferment or grant of degrees, honours, diplomas, titles and marks of honours;
- (xiv) to recommend stipends, scholarships, medals and prizes and to make other awards in accordance with the Regulations and such other conditions as may be attached to the awards;
- (xv) to approve or revise lists of prescribed or

recommended text books and to publish the same and syllabus of the prescribed courses of study;

- (xvi) to approve such forms and registers as are, from time to time, required by the Regulations; and
- (xvii) to perform, in relation to academic matters, all such duties and to do all such Acts as may be necessary for the proper carrying out of the provisions of this Act and the Regulations made thereunder.

(2) The meeting of the Academic Council shall be as follows,-

- (i) the Academic Council shall meet as often as may be necessary, but not less than two times during an academic year;
- (ii) one half of the existing members of the Academic Council shall form the quorum for a meeting of the Academic Council;
- (iii) in case of difference of opinion among the members, the opinion of the majority shall prevail;
- (iv) each member of the Academic Council, including the Chairman of the Academic Council, have one vote and if there be any equality of votes on any question to be determined by the Academic Council, the Chairman of the Academic Council, or as the case may be, the member presiding over the meetings, shall in addition, have a casting vote;
- (v) every meeting of the Academic Council shall be presided over by the Vice-Chancellor of Law University and in his absence by a member chosen in the meeting to preside on the occasion; and
- (vi) if urgent action by the Academic Council becomes necessary, the Chairman of the Academic Council may permit the business to be transacted by circulation of papers to the members of the Academic Council. The action proposed to be taken shall not be taken unless agreed to, by a majority of the members of the Academic Council. The action so taken shall forthwith be intimated to all the members of the Academic Council. The papers shall be placed before the next meeting of the Academic Council for confirmation.

Finance Committee.

15. (1) There shall be a Finance Committee constituted by the Executive Council consisting of the following, namely,-

- (i) the Vice-Chancellor of Law University;
- (ii) the Registrar of Law University;
- (iii) the Finance and Accounts Officer of Law University;
and
- (iv) two members one of whom to be nominated by the General Council and the other by the Government of Meghalaya.

(2) The members of the Finance Committee other than the Vice-Chancellor of Law University, Registrar of Law University and Finance and Accounts Officer of the Law University shall hold office so long as they continue as members of the Finance Committee.

(3) The functions and duties of the Finance Committee shall be as follows: -

- (i) to examine and scrutinize the annual budget of the Law University and to make recommendations on financial matters to the Executive Council;
- (ii) to consider all proposals for new expenditure and to make recommendations to the Executive Council;
- (iii) to consider the periodical statement of accounts and to review the finances of the Law University from time to time and to consider re-appropriation statements and audit reports and to make recommendations to the Executive Council; and
- (iv) to give its views and to make recommendations to the Executive Council on any financial question affecting the Law University either on its own initiative or on reference from the Executive Council or the Vice-Chancellor of Law University.

(4) The Finance Committee shall meet at least thrice in every year. Three members of the Finance Committee shall form the quorum.

(5) The Vice-Chancellor of Law University shall preside over the meetings of the Finance Committee, and in his absence, the Registrar of Law University shall preside. In case of difference of opinion among the members, the opinion of the majority of the members present shall prevail.

CHAPTER IV OFFICERS OF THE LAW UNIVERSITY

Officers of the Law University.

16. The following shall be the officers of the Law University:-

- (a) the Vice-Chancellor of the Law University;
- (b) the Registrar of the Law University;
- (c) the Finance and Accounts Officer of the Law University;
- (d) Heads of the Departments; and
- (e) Such other officers as may be prescribed by the Statutes or Regulations.

The Vice-Chancellor of Law University.

17. (1) The Vice-Chancellor of the Law University shall be an academic person and an outstanding scholar in law with published works of high quality to his credit or a person who has been a judge of the High Court. He should in the estimation of the General Council, be capable of providing effective leadership to the Law University community. He shall be appointed by the Chancellor on the basis of the recommendations of the General Council from out of the panel prepared by the Selection Committee and as specified under Section 22(1) of the Act proposed by the Executive Council. The term of the office of the Vice-Chancellor of the Law University is initially for a period of not more than three years and he is eligible for re-appointment. On the expiry of his term, he shall continue in office until his successor is appointed or an alternative arrangement is made by the Chancellor, whichever is earlier.

(2) The Vice-Chancellor of Law University shall, -

- (i) ensure that the provisions of this Act, Statutes and Regulations are duly observed, and he shall have all powers as are necessary for that purpose;
- (ii) convene the meetings of the General Council, the Executive Council, the Academic Council and shall perform all other acts, as may be necessary to give effect to the provisions of this Act;
- (iii) preside over the meetings of the General Council in the absence of the Chancellor;
- (iv) be the competent authority to appoint the teachers, librarians, Finance and Accounts Officer and other officers in consultation with the Chancellor on the recommendations of the Selection Committee appointed by the Executive Council thereof for that purpose in accordance with the guidelines prescribed;
- (v) be the competent authority to take disciplinary action

against the above officers in accordance with the procedure prescribed;

- (vi) have all powers relating to the maintenance of proper discipline in the Law University; and
- (vii) if, in the opinion of the Vice-Chancellor of Law University, any emergency has arisen which requires immediate action be taken, he shall take such action as he may deem fit and shall report the same for confirmation in the next meeting of the authority which in the ordinary course would have dealt with the matter.

The Registrar of Law University.

18. (1) The Registrar of the Law University shall be appointed by the Chancellor on the recommendations of the Selection Committee constituted by the Executive Council and headed by the Vice-Chancellor on such terms and conditions of service shall be as it may specify, subject to the provisions of Statutes and Regulations.

(2) Except those authorities, committees and other bodies where Vice-Chancellor is the Members-Secretary, the Registrar of the Law University shall be *Ex-Officio* Member-Secretary of all the authorities, Committees and other bodies of the Law University and shall also be the Convener of all the meetings. He shall note and maintain the minutes of meetings.

(3) The Registrar of the Law University shall be the principal administrative officer of the Law University in all matters pertaining to the administration of the Law University. The Executive Council may entrust to him special responsibilities and powers.

(4) The Registrar of the Law University shall have the power to appoint in consultation with the Vice-Chancellor of the Law University, the non-teaching staff including employees of last grade service and contingent staff in pursuance of the recommendations of the Selection Committee, appointed for that purpose, in the prescribed manner. He shall be the competent authority to take disciplinary action against such employees in accordance with such procedure as may be prescribed by the Regulations.

(5) The Registrar of the Law University shall comply with all directions and orders of the Executive Council and Vice-Chancellor of the Law University.

(6) The Registrar of the Law University shall be the custodian of records, common seal and such other property of the Law University as the Executive Council shall commit to his charge.

Finance and Accounts Officer.

19. (1) There shall be a Finance and Accounts Officer in the Law University.

(2) The powers, functions, appointments and conditions of service of the

Heads of the Departments.

Finance and Accounts Officer shall be as prescribed by the Regulations.

20. (1) There shall be a Head for each Department in the Law University.

(2) The powers, functions, appointments and conditions of service of the Heads of the Departments shall be as prescribed by the Regulations.

Other offices and employees.

21. (1) Subject to the Regulations made for the purpose, every officer or employee of the Law University shall be appointed in accordance with a written contract which shall be lodged with the Law University and a copy thereof shall be furnished to the officer or employee concerned.

(2) Any dispute arising out of a contract between the Law University and any of its officers or employees shall, at the request of the officer or the employee concerned or at the instance of the Law University, be referred to a Tribunal for arbitration consisting of three members appointed by the Executive Council as prescribed by the Regulations.

Search and Selection Committees.

22. (1) The Executive Committee shall constitute a Selection Committee for the purpose of selecting the post of officers of the Law University and for preparing a panel of persons to be considered for appointment as such constitute a Search Committee consisting of two members from the High Court consisting of Chief Justice, Judges or such person nominated by the Chief Justice of the High Court and three prominent members of the State Government having special knowledge in law, management, parliamentary affairs, education and humanities.

(2) The Executive Council shall constitute various Selection Committees for appointment to the posts of officers and non-teaching staff including last grade service and contingent staff. The Procedure for appointment of members of Selection Committees and the procedure to be adopted by the Committees shall be as may be prescribed by the Statutes or the Regulations as the case may be.

Reservation.

23. The appointment to various posts which shall include the post of Registrar, Officers and teaching and non-teaching staffs shall be as per the norms being followed by all other National Law Universities in other States and also the reservation policy of the State Government.

Statutes and Regulations.

24. (1) The first Statutes of the Law University shall be made by the Vice-Chancellor of the Law University with the approval of the Chancellor. They shall be placed before the Executive Council at its first meeting and thereafter before the General Council, which may adopt them with or without modifications.

(2) The first Regulations of the Law University shall be made by the Vice-Chancellor of the Law University in consultation with the Chancellor. They shall be placed before the Executive Council at its first meeting and thereafter before the General Council, which may adopt them with or

without modifications.

Appointment of first Vice-Chancellor, first Registrar and Finance and Accounts Officer of Law University.

25. Notwithstanding anything in this Act and the Statutes, the first Vice-Chancellor, the first Registrar and the first Finance and Accounts Officer of the Law University shall be appointed by the Chancellor on such salary as may be fixed by the Government and each of such officer shall hold office for a period to be fixed by the Chancellor but not exceeding three years:

Provided that the Chancellor may lay down the procedure for such appointment as deemed fit.

CHAPTER – V GENERAL

Deemed validity of appointments.

26. Notwithstanding anything contained in any other law, or instrument having the force of law, for the time being in force, the appointments made to any post in the Law University in accordance with the Statutes and Regulations shall be deemed to be valid and in accordance with law.

Honorary Degrees.

27. If no less than two-third of the members of the Academic Council recommend that an honorary degree or academic distinction be conferred on any person on the ground that he is, in their opinion, by reason of eminent attainment and position, fit and proper to receive such degree or academic distinction, the Governing Council may, by a resolution, decide that the same be conferred on the person recommended.

Withdrawal of Degree or Diploma.

28. (1) The Governing Council may, on the recommendation of the Academic Council, withdraw any distinction, degree, diploma or privilege conferred on, or granted to, any person, by a resolution passed by the majority of total membership of the Governing Council and by a majority of not less than two-thirds of the members of the Governing Council present and voting, at the meeting, if such person has been convicted by a Court of law for an offence, which in the opinion of the Governing Council, involves moral turpitude or if he has been guilty of gross misconduct.

(2) No action under sub-section (1) shall be taken against any person unless he has been given an opportunity to show cause against the action

proposed to be taken.

(3) A copy of the resolution passed by the Governing Council shall be immediately sent to the person concerned.

(4) Any person aggrieved by the decision of the Governing Council may appeal to the Chancellor within thirty days from the date of receipt of such resolution.

(5) The decision of the Chancellor in such appeal shall be final.

Sponsored Schemes.

29. Whenever the University receives funds from any Government, the University Grants Commission or other agencies sponsoring a scheme to be executed by the University, notwithstanding anything in this Act or the regulations, the amount received shall be kept by the University separately from the University fund and utilized only for the purpose of the scheme and the staff required to execute the scheme shall be recruited in accordance with the terms and conditions stipulated by the sponsoring organization.

Vacancy, etc., not to invalidate any Act or proceeding.

30. No act or proceeding of the General Council, the Executive Council, Finance Committee or any other authority or Officer or Council of the Law University shall be invalidated or questioned on the ground merely of the existence of any vacancy or defect in the constitution thereof.

Indemnity against General Proceedings.

31. No suit, prosecution or other legal proceedings shall lie against the Law University or any authority or officer or employee of the Law University for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act, or the Statutes or Regulations or Rules made there under.

Overriding effect.

32. The provisions of this Act and the Rules, Statutes and Regulations made thereunder shall have effect notwithstanding anything inconsistent contained therewith in any other law or instrument having the force of law for the time being in force.

Power to remove difficulties.

33. If any difficulty arises as to the first constitution or reconstitution of any authority of the Law University after the commencement of this Act or otherwise in giving effect to the provisions of this Act, the Chancellor may, by order, make such provisions, not inconsistent with the provisions of this Act, as may appear to him to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after expiry of two years from the date of commencement of this Act.

Power to make rules.

34. (1) The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) All the rules, statutes, regulations made under this Act shall as soon as after they are made be laid before the State Legislature of Meghalaya.

Repeal & Savings.

35. (1) The National Law University Ordinance, 2022 (Ordinance No. 6 of 2022) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the provisions of this Act.

D. LYNGDOH,

Deputy Secretary to the Government of Meghalaya,
Law (B) Department.



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5th Asvina, 1944 (S. E.)

PART-IV
GOVERNMENT OF MEGHALAYA
LAW (B) DEPARTMENT

NOTIFICATION

The 27th September, 2022.

No.LL(B).52/2013/85.—The Meghalaya Street Vendors (Protection of Livelihood and Regulation of Street Vending) (Repealing) Act, 2022 (Act No. 11 of 2022) is hereby published for general information.

MEGHALAYA ACT NO. 11 OF 2022

(As passed by the Meghalaya Legislative Assembly)

Received the assent of the Governor on the 23rd September, 2022.

Published in the Gazette of Meghalaya Extra-Ordinary issue dated 27th September, 2022.

**THE MEGHALAYA STREET VENDORS PROTECTION OF LIVELIHOOD AND
REGULATION OF STREET VENDING) (REPEALING) ACT, 2022****An
ACT**

to repeal the Meghalaya Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (Act No. 11 of 2014).

Be it enacted by the Legislature of the State of Meghalaya in the Seventy-third Year of the Republic of India as follows:-

- | | |
|-----------------------------|--|
| Short title. | 1. This Act may be called the Meghalaya Street Vendors (Protection of Livelihood and Regulation of Street Vending) (Repealing) Act, 2022. |
| Repeal & Saving. | 2. (1) The Meghalaya Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 is hereby repealed.

(2) Notwithstanding such repeal, all orders issued and all actions taken or purported to be issued or taken under the said Act, shall deemed to have been taken, or purported to be issued or taken under the provisions of "The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (Central Act No. 7 of 2014)". |

D. LYNGDOH,
Deputy Secretary to the Govt. of Meghalaya,
Law (B) Department.



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PART-IV
GOVERNMENT OF MEGHALAYA
LAW (B) DEPARTMENT

NOTIFICATION

The 27th September, 2022.

No.LL(B).16/2006/172.—The Meghalaya Fiscal Responsibility and Budget Management (Amendment) Act, 2022 (Act No. 12 of 2022) is hereby published for general information.

MEGHALAYA ACT NO. 12 OF 2022

(As passed by the Meghalaya Legislative Assembly)

Received the assent of the Governor on the 23rd September, 2022.

Published in the Gazette of Meghalaya Extra-Ordinary issue dated 27th September, 2022.

**THE MEGHALAYA FISCAL RESPONSIBILITY AND BUDGET MANAGEMENT
(AMENDMENT) ACT, 2022**

**An
ACT**

to amend the Meghalaya Fiscal Responsibility and Budget Management Act, 2006 (Meghalaya Act No. 4 of 2006).

Be it enacted by the Legislature of the State of Meghalaya in the Seventy-third Year of the Republic of India as follows:-

- | | |
|--------------------------------------|--|
| Short title and Commencement. | 1. (1) This Act may be called the Meghalaya Fiscal Responsibility and Budget Management (Amendment) Act, 2022.

(2) It shall come into force at once. |
| Amendment of Section 4. | 2. In Section 4 of the Meghalaya Fiscal Responsibility and Budget Management Act, 2006, In sub-section (1), for clause (b), the following shall be substituted, namely:-

“(b) to maintain fiscal deficit to an annual limit of 4% of GSDP during Fiscal Year 2022-23”. |
| Repeal & Savings. | 3. (1) The Meghalaya Fiscal Responsibility and Budget Management (Amendment) Ordinance, 2022 (Ordinance No. 9 of 2022) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the provisions of this Act. |

M. M. SANGMA,
Joint Secretary to the Govt. of Meghalaya,
Law (B) Department.



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PART-IV

GOVERNMENT OF MEGHALAYA

LAW (B) DEPARTMENT

NOTIFICATION

The 27th September, 2022.

No.LL(B).28/2017/Pt-I/10. – The Meghalaya Goods and Services Tax (Amendment) Act, 2022 (Act No. 13 of 2022) is hereby published for general information.

MEGHALAYA ACT NO. 13 OF 2022.

(As passed by the Meghalaya Legislative Assembly)

Received the assent of the Governor on the 23rd September, 2022.

Published in the Gazette of Meghalaya Extra-Ordinary issue dated 27th September, 2022.

THE MEGHALAYA GOODS AND SERVICES TAX (AMENDMENT) ACT, 2022**An
Act**

further to amend the Meghalaya Goods and Services Tax, Act 2017 (Act No. 10 of 2017)

Be it enacted by the Legislature of the State of Meghalaya in the Seventy-third year of the Republic of India as follows:-

- | | |
|--------------------------------------|--|
| Short title and commencement. | 1. (a) This Bill may be called the Meghalaya Goods and Services Tax (Amendment) Act, 2022.
(b) It shall extend to the whole of Meghalaya.
(c) It shall come into force with effect from a date to be notified in the Official Gazette. |
| Amendment of Section 16. | 2. In section 16 of the Meghalaya Goods and Services Tax Act, 2017 (hereinafter referred to as the Principal Act), -
(a) in sub-section (2), —
(i) after clause (b), the following clause shall be inserted, namely:—
"(ba) the details of input tax credit in respect of the said supply communicated to such registered person under section 38 has not been restricted;";
(ii) in clause (c), the words, figures and letter "or section 43A" shall be omitted;
(b) in sub-section (4), for the words and figures "due date of furnishing of the return under section 39 for the month of September", the words "thirtieth day of November" shall be substituted. |
| Amendment of Section 29. | 3. In section 29 of the principal Act in sub-section (2), —
(a) in clause (b), for the words "returns for three consecutive tax periods", the words "the return for a financial year beyond three months from the due date of furnishing the said return" shall be substituted;
(b) in clause (c), for the words "a continuous period of six months", the words "such continuous tax period as may be prescribed" shall be substituted. |
| Amendment of Section 34. | 4. In section 34 of the principal Act, in sub-section (2), for the word "September", the words "the thirtieth day of November" shall be substituted. |
| Amendment of Section 37. | 5. In Section 37 of the Principal Act,- |

- (a) in sub-section (1), —
 - (i) after the words "shall furnish, electronically," the words "subject to such conditions and restrictions and" shall be inserted;
 - (ii) for the words "shall be communicated to the recipient of the said supplies within such time and in such manner as may be prescribed", the words "shall, subject to such conditions and restrictions, within such time and in such manner as may be prescribed, be communicated to the recipient of the said supplies" shall be substituted;
 - (iii) the first proviso shall be omitted;
 - (iv) in the second proviso, for the words "Provided further that", the words "Provided that" shall be substituted;
 - (v) in the third proviso, for the words "Provided also that", the words "Provided further that" shall be substituted;
- (b) sub-section (2) shall be omitted;
- (c) in sub-section (3),—
 - (i) the words and figures "and which have remained unmatched under section 42 or section 43" shall be omitted;
 - (ii) in the first proviso, for the words and figures "furnishing of the return under section 39 for the month of September", the words "the thirtieth day of November" shall be substituted;
- (d) after sub-section (3), the following sub-section shall be inserted, namely:—

"(4) A registered person shall not be allowed to furnish the details of outward supplies under sub-section (1) for a tax period, if the details of outward supplies for any of the previous tax periods has not been furnished by him:

Provided that the Government may, on the recommendations of the Council, by notification, subject to such conditions and restrictions as may be specified therein, allow a registered person or a class of registered persons to furnish the details of outward supplies under sub-section (1), even if he has not furnished the details of outward supplies for one or more previous tax periods."

Substitution of new section for Section 38.

6. For section 38 of the principal Act, the following section shall be substituted, namely:—

"38. (1) The details of outward supplies furnished by the registered persons under sub-section (1) of section 37 and of such other supplies as may be prescribed, an auto-generated statement containing the details of input tax credit shall be made available electronically to the recipients of such supplies in such form and manner, within such time, and subject to such conditions and restrictions as may be prescribed.

Communication of details of inward supplies and input tax credit

- (2) The auto-generated statement under sub-section (1) shall consist of—
- (a) details of inward supplies in respect of which credit of input tax may be available to the recipient; and
 - (b) details of supplies in respect of which such credit cannot be availed, whether wholly or partly, by the recipient, on account of the details of the said supplies being furnished under sub-section (1) of section 37, —
 - (i) by any registered person within such period of taking registration as may be prescribed; or
 - (ii) by any registered person, who has defaulted in payment of tax and where such default has continued for such period as may be prescribed; or
 - (iii) by any registered person, the output tax payable by whom in accordance with the statement of outward supplies furnished by him under the said sub-section during such period, as may be prescribed, exceeds the output tax paid by him during the said period by such limit as may be prescribed; or
 - (iv) by any registered person who, during such period as may be prescribed, has availed credit of input tax of an amount that exceeds the credit that can be availed by him in accordance with clause (a), by such limit as may be prescribed; or
 - (v) by any registered person, who has defaulted in discharging his tax liability in accordance with the provisions of subsection (12) of section 49 subject to such conditions and restrictions as may be prescribed; or
 - (vi) by such other class of persons as may be prescribed".

Amendment of Section 39.

7. In section 39 of the principal Act, -
- (a) in sub-section (5), for the word "twenty", the word "thirteen" shall be substituted;
 - (b) in sub-section (7), for the first proviso, the following proviso shall be substituted, namely: —

"Provided that every registered person furnishing return under the proviso to sub-section (1) shall pay to the Government, in such form and manner, and within such time, as may be prescribed,—

- (a) an amount equal to the tax due taking into account inward and outward supplies of goods or services or both, input tax credit availed, tax payable and such other particulars during a month; or
- (b) in lieu of the amount referred to in clause (a), an amount determined in such manner and subject to such conditions and restrictions as may be prescribed.";
- (c) in sub-section (9), —
 - (i) for the words and figures "Subject to the provisions of sections 37 and 38, if", the word "Where" shall be substituted;
 - (ii) in the proviso, for the words "the due date for furnishing of return for the month of September or second quarter", the words "the thirtieth day of November" shall be substituted;
- (d) in sub-section (10), for the words "has not been furnished by him", the following shall be substituted, namely:—

"or the details of outward supplies under sub-section (1) of section 37 for the said tax period has not been furnished by him:

Provided that the Government may, on the recommendations of the Council, by notification, subject to such conditions and restrictions as may be specified therein, allow a registered person or a class of registered persons to furnish the return, even if he has not furnished the returns for one or more previous tax periods or has not furnished the details of outward supplies under sub-section (1) of section 37 for the said tax period."

**Substitution of new section for 8.
Section 41.**

For section 41 of the principal Act, the following section shall be substituted, namely:—

Availment of input tax credit.

"41. (1) Every registered person shall, subject to such conditions and restrictions as may be prescribed, be entitled to avail the credit of eligible input tax, as self-assessed, in his return and such amount shall be credited to his electronic credit ledger.

- (2) The credit of input tax availed by a registered person under sub-section (1) in respect of such supplies of goods or services or both, the tax payable whereon has not been paid by the supplier, shall be reversed along with applicable interest, by the said person in such manner as may be prescribed:

Provided that where the said supplier makes payment of the tax payable in respect of the aforesaid supplies, the said registered

person may re-avail the amount of credit reversed by him in such manner as may be prescribed."

- Omission of Section 42, 43 and 43A.** 9. Sections 42, 43 and 43A of the principal Act shall be omitted.
- Amendment of Section 47.** 10. In Section 47 of the Principal Act, in sub-section (1), -
- (a) the words "or inward" shall be omitted;
 - (b) the words and figures "or section 38" shall be omitted;
 - (c) after the words and figures "section 39 or section 45", the words and figures "or section 52" shall be inserted.
- Amendment of Section 48.** 11. In section 48 of the principal Act, in sub-section (2), the words and figures", the details of inward supplies under section 38" shall be omitted.
- Amendment of Section 49.** 12. In section 49 of the principal Act, -
- (a) in sub-section (2), the words, figures and letter "or section 43A" shall be omitted;
 - (b) in sub-section (4), after the words "subject to such conditions", the words "and restrictions" shall be inserted;
 - (c) for sub-section (10), the following sub-section shall be substituted, namely:—

"(10) A registered person may, on the common portal, transfer any amount of tax, interest, penalty, fee or any other amount available in the electronic cash ledger under this Act, to the electronic cash ledger for,—

 - (a) integrated tax, central tax, State tax, Union territory tax or cess; or
 - (b) integrated tax or state tax of a distinct person as specified in sub-section (4) or, as the case may be, sub-section (5) of section 25,.

In such form and manner and subject to such conditions and restrictions as may be prescribed and such transfer shall be deemed to be a refund from the electronic cash ledger under this Act:

Provided that no such transfer under clause (b) shall be allowed if the said registered person has any unpaid liability in his electronic liability register.";
 - (d) after sub-section (11), the following sub-section shall be inserted, namely:—

"(12) Notwithstanding anything contained in this Act, the Government may, on the recommendations of the Council, subject to such conditions and restrictions, specify such maximum proportion of output tax liability under this Act which may be

discharged through the electronic credit ledger by a registered person or a class of registered persons, as may be prescribed".

- Amendment of Section 50.** 13. (1) In Section 50 of the principal Act, -
- (a) in sub-section (1), after the existing proviso, the following proviso shall be inserted:
- "Provided further that the State Government shall have and shall be deemed to have the power to amend the notification issued under this sub-section with retrospective effect"
- (b) for sub-section (3), the following sub-section shall be substituted and shall be deemed to have been substituted with effect from the 1st day of July, 2017, namely:-
- "(3) Where the input tax credit has been wrongly availed and utilized, the registered person shall pay interest on such input tax credit wrongly availed and utilized, at such rate not exceeding twenty-four per cent, as may be notified by the Government, on the recommendations of the Council, and the interest shall be calculated, in such manner as may be prescribed.
- Provided that for the purposes of this sub-section, the State Government shall have and shall be deemed to have the power to amend the notification issued under this sub-section with retrospective effect".
- Amendment of Section 52.** 14. In section 52 of the principal Act, in sub-section (6), in the proviso, for the words "due date for furnishing of statement for the month of September", the words "thirtieth day of November" shall be substituted.
- Amendment of Section 54.** 15. In section 54 of the principal Act, -
- (a) in sub-section (1), in the proviso, for the words and figures "the return furnished under Section 39 in such", the words "such form and" shall be substituted;
- (b) in sub-section (2), for the words "six months", the words "two years" shall be substituted;
- (c) in sub-section (10), the words, brackets and figure "under sub-section (3)" shall be omitted;
- (d) after sub-section (14), in clause (2) of the Explanation, after sub-clause (b), the following sub-clause shall be inserted, namely:—
- "(ba) in case of zero-rated supply of goods or services or both to a Special Economic Zone developer or a Special Economic Zone unit where a refund of tax paid is available in respect of such supplies themselves, or as the case may be, the inputs or input

services used in such supplies, the due date for furnishing of return under section 39 in respect of such supplies;"

(d) In sub-section (12), the following proviso shall be inserted:

"Provided that for the purposes of sub-section (12), the State Government shall have and shall be deemed to have the power to amend the notification issued under the said sub-section with retrospective effect"

- Amendment of Section 56.** 16. In section 56,- re-numbered as sub-section (1) of Section 56
- (i) the existing provision shall be numbered as sub-section (1) and
 - (ii) after sub-section (1), a new sub-section (2) shall be added as following,-
- "(2) For the purposes of sub-section (1), the State Government shall have and shall be deemed to have the power to amend the notification issued under sub-section(1) with retrospective effect".

- Amendment of Section 146.** 17. In section 146, -
- (i) the existing provision shall be numbered as sub-section (1); and
 - (ii) after sub-section (1), a new sub-section (2) shall be added as follows, -
- "(2) For the purposes of sub-section (1), the State Government shall have and shall be deemed to have the power to amend the notification issued under sub-section (1) with retrospective effect".

- Repeal and Saving.** 18. (1) The Meghalaya Goods and Services Tax (Amendment) Ordinance 2022 (Ordinance No. 8 of 2022) is hereby repealed.
- (2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the provisions of this Act.

S. K. SANGMA,
Deputy Secretary to the Government of Meghalaya,
Law (B) Department.



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PART-IV
GOVERNMENT OF MEGHALAYA
LAW (B) DEPARTMENT

NOTIFICATION

The 27th September, 2022.

No.LL(B).34/2022/2.—The Meghalaya Ropeway Act, 2022 (Act No. 14 of 2022) is hereby published for general information.

MEGHALAYA ACT NO. 14 OF 2022

(As passed by the Meghalaya Legislative Assembly)

Received the assent of the Governor on the 23rd September, 2022.

Published in the Gazette of Meghalaya Extra-Ordinary issue dated 27th September, 2022.

THE MEGHALAYA ROPEWAY ACT, 2022

An

ACT

to authorise, facilitate and regulate the construction, operations and maintenance of ropeways in the State.

Be it enacted by the Legislative Assembly of Meghalaya in the Seventy Third Year of the Republic of India as follows:-

Short Title, Extent and Commencement.

CHAPTER 1 - PRELIMINARY

1. (1) This Act shall be called the Meghalaya Ropeway Act, 2022.
- (2) It shall extend to whole of the State of Meghalaya.
- (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint in this behalf.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context:-
 - (a) **“Applicable Law”** means all laws, brought into force and effect by the Government of India or the State Government including rules, regulations and notifications made thereunder and judgments, decrees, injunctions, writs and orders of any court of record, as may be in force in the State, from time to time;
 - (b) **“Authority”** means Meghalaya Ropeway Development Authority;
 - (c) **“Carrier”** means any vehicle or receptacle hung or suspended from or hauled by a rope and used for the carriage of passengers or for any other purpose in connection with the operations of a ropeway;
 - (d) **“Chief Ropeways Inspector” and “Project Inspector”** mean the persons appointed under this Act respectively to be the Chief Inspector of Ropeways for the State and the Inspector of Ropeways for a Ropeways Project;
 - (e) **“Development fund”** means the receipt of the Authority under this Act;
 - (f) **“Entity”** means and includes a company, trust, society, firm or a body corporate or any other organization established in accordance with the applicable laws;
 - (g) **“Expert Committee”** means a Committee constituted under section 24 of this Act;
 - (h) **“Government” or “State Government”** means the Government of Meghalaya;
 - (i) **“Licence”** means a licence authorising the construction, operation and maintenance of a ropeway under this Act;

- (j) **“Licensing Authority”** means an Empowered Committee having powers to grant licences under section 22 of this Act;
- (k) **“Local Authority”** means traditional tribal bodies which includes Nokma, Sordar, Syiem, Sirdar (Sardar), Doloi, Wahehshnong, Wahadadar, Lyngdoh and Rangbah Shnong or any other such body constituted as per the traditions, customs and practices in the tribal areas and other authorities which may be notified by the Government in the Official Gazette;
- (l) **“Official Gazette”** means the Official Gazette of the State of Meghalaya;
- (m) **“Operator”** means an entity which has been authorised by the Promoter to operate and maintain the ropeway project under a written contract;
- (n) **“Person”** means a natural person;
- (o) **“Post”** means a post, trestle, standard, strut, stay or other contrivance or part of a contrivance for carrying, suspending or supporting a rope;
- (p) **“Prescribed”** means prescribed by rules made under this Act;
- (q) **“Promoter”** means:-
 - (i) the State Government;
 - (ii) any agency or department of the State Government;
 - (iii) any person or entity which may be selected by the State Government as per Applicable Law;
 - (iv) any body corporate, firm or any society registered under the provisions of any law for the time being in force;
 - (v) any person or entity which is owning and or operating an existing ropeway on the date of coming into force of this Act.
- (r) **“PPP”** means and refers to Public Private Partnership;
- (s) **“Project Committee”** means a District Level Committee constituted under the chairmanship of the Deputy Commissioner where the ropeway project is being developed as provided in section 34 of the Act;
- (t) **“Rate”** means and includes fare, charge or other payment for the carriage of passengers;
- (u) **“Rope”** includes any cable, wire, rail or way, whether flexible or rigid, used for suspending, carrying or hauling a carrier;
- (v) **“Ropeway”** means a ropeway used for public or private carriage of passengers and includes posts, ropes, carriers, stations, offices, warehouses, workshops, machinery and where the wheels of carriers are made to run on the rails laid on the surface of the earth, such rails as well as any such other works as are used for the purposes of, or in connection with, such ropeway and all land appurtenant thereto;

- (w) **“State”** means the State of Meghalaya;
- (x) **“Sinking Fund”** means the fund for repayment of money borrowed or floated or issuing debentures by the Authority under section 15 of the Act;
- (y) **“Undertaking”** means all movable and immovable property of the Promoter suitable to and used by him for the purposes of a ropeway.

Chapter - II

Establishment and Constitution of Meghalaya Ropeway Development Authority

Establishment of Meghalaya Ropeway Development Authority.

3. (1) The State Government shall for the purpose of this Act establish and constitute, by notification in the Official Gazette, under Department of Tourism of the State Government, an authority called ‘Meghalaya Ropeway Development Authority’, which shall be the State nodal agency for development of ropeways with jurisdiction over Ropeway Development Area, either on its own or under PPP or through any Promoter.
- (2) With a view to ensure the success of the ropeway developmental process, the Authority, in discussion with the stakeholders, at the developmental planning stage would facilitate the formulation of a Vision Paper, in consultation with the Local Authority.

Declaration of Ropeway Development Area.

4. (1) The State Government may, by notification in the Official Gazette, declare an area with specified limits covered by the ropeway alignment, stations and any other area contiguous to such area meant for tourism purposes, to be the Ropeway Development Area.
- (2) The State Government may, if it thinks fit, by notification in the Official Gazette, enlarge, curtail, or modify the Ropeway Development Area or any part thereof.

Constitution of the Authority.

5. The Meghalaya Ropeway Development Authority shall be a body corporate by the name aforesaid, having perpetual succession and a common seal with power to acquire, hold, manage and dispose off moveable and immovable property and to contract and may sue or be sued by its corporate name.

Composition of the Authority.

6. (1) The Authority shall consist of a Chairperson, not below the rank of Secretary to the Government of Meghalaya and such other members as the State Government may determine and notify from time to time.
- (2) The Authority shall have a ‘Technical Cell’ to be headed by a person not below the rank of Chief Engineer, for handling all technical matters related to the development, operations and maintenance of the ropeway projects.
- (3) The Authority may also appoint other subordinate officers with such designations and assign to them such powers, duties and functions as may be necessary for carrying out the purposes of this Act.

Powers and Functions of the Authority.

7. (1) Subject to the provisions of this Act and the rules made thereunder and any direction which the State Government may give from time to time, the Meghalaya Ropeway Development Authority shall be in charge of planning, coordinating, promoting, securing the development, safe operations and maintenance of ropeways and the associated Ropeway Development Area activities.
- (2) All Ropeway Development Area activities shall be carried out in accordance with the provisions of the respective Applicable Law as may be in force in the State, from time to time.
- (3) Without prejudice to the generality of the functions specified in sub-section (1), the Meghalaya Ropeway Development Authority shall have the following powers and functions:—
- (a) to carry out or cause to be carried out survey(s) of the Ropeway Development Area and to prepare report(s) of such survey(s);
 - (b) to prepare, enforce and execute the Ropeway Development Area plan;
 - (c) to prepare and execute Public Private Partnership (PPP) mode of development of ropeways;
 - (d) to co-ordinate development activities of all departments and agencies of the State Government or other authorities operating within the Ropeway Development Area;
 - (e) to carry out or cause to be carried out such works as are contemplated in the Ropeway Development Area plan;
 - (f) to acquire, hold and manage such property, both movable and immovable, as the Meghalaya Ropeway Development Authority may deem necessary for the purposes of any of its activities and to lease, sell or otherwise transfer any property held by it;
 - (g) to purchase any land and to erect thereon such buildings or structures and to carry out such operations as may be necessary for the purpose of carrying on its undertakings;
 - (h) to enter into or perform such contracts as may be necessary for the performance of its duties and for exercise of its powers under this Act;
 - (i) to perform any other function which is supplemental, incidental or consequential to any of the functions aforesaid or which may be prescribed by the State Government from time to time.

Transaction of Business of the Meghalaya Ropeway Development Authority.

8. The Meghalaya Ropeway Development Authority shall be governed by the transaction of business rules including procedure for conduct of its meetings, as may be prescribed.

Power of the Meghalaya Ropeway Development Authority to give directions.

9. (1) Notwithstanding anything contained in any other law for the time being in force, the Meghalaya Ropeway Development Authority may give such directions with regards to the implementation, operation and maintenance of any ropeway and Ropeway Area Development project, as it may deem fit.
- (2) The Meghalaya Ropeway Development Authority shall so exercise the powers of supervision referred to under this Act as may be necessary to ensure that each ropeway and Ropeway Development Area project is executed in the interest of the overall development of the Ropeway Development Area and in accordance with the approved plan for the Ropeway Development Area.

Power of Meghalaya Ropeway Development Authority to execute any plan.

10. (1) Where the Meghalaya Ropeway Development Authority is satisfied that any direction given by it under sub-section (1) of Section 9 with regards to any ropeway and Ropeway Development Area project has not been carried out by such Promoter or any other entity referred to therein or they are unable to fully implement any scheme undertaken by them for the development of any part of the Ropeway Development Area, the Meghalaya Ropeway Development Authority may itself undertake the works and incur any expenditure for the execution of such development project, as the case may be, with the approval of State Government.
- (2) The Meghalaya Ropeway Development Authority may undertake any works or schemes in the Ropeway Development Area. It may also undertake such works as may be directed by the State Government and may incur such expenditure as may be necessary for the execution of such works or schemes.

Fund of the Meghalaya Ropeway Development Authority.

11. (1) The Meghalaya Ropeway Development Authority shall have and maintain its own fund to which shall be credited:-
- (a) all money received by the Authority from the State Government by way of grants, loans, advances or otherwise;
- (b) all development charges or other fees received by the Authority under this Act or rules or bye-laws made thereunder; and
- (c) all money received by the Authority from any other source(s).
- (2) The Authority may, in any nationalised or other bank(s) approved by the State Government in this behalf, open any number of accounts and keep such portions of each fund as may be prescribed; and any money in excess of the said sum shall be invested in such manner as may be approved by the State Government.

Grants, advances and loans by State Government.

12. The State Government may make such grants, advances, and loans to the Authority as it may deem necessary for the performance of the functions under this Act and all such grants, advances and loans made shall be utilized on such

terms and conditions as the State Government may determine.

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| Powers to borrow money and issue debentures. | 13. The Authority may, from time to time, borrow by way of loans from such sources or issue debentures at such rate of interest and for such period and upon terms, as the State Government may approve. |
| Development Fund. | 14. The receipt of the Authority under this Act shall form a separate development fund and all expenditure under this Act or any development scheme thereunder, shall be defrayed out of such fund. No portion of the fund shall, except with the sanction of the State Government, be expended for purposes not provided by this Act. |
| Sinking Fund. | 15. (1) The Authority shall maintain a Sinking Fund for the repayment of money borrowed or floated or issuing debentures by it.
(2) The money paid into the Sinking Fund shall be invested in such a manner and in such securities as may be prescribed by the State Government.
(3) The Sinking Fund or any part thereof shall be applied as per rules in or towards the discharge of the loan or part thereof for which such fund is created and until such loan or part thereof is wholly discharged, the money standing to the credit of the fund shall be applied for no other purpose. |
| Budget of the Authority. | 16. The Authority shall prepare every year in such form as provided, the budget of the Authority in respect of the next financial year showing the estimated receipt and expenditure under revenue head and capital head separately, and submit it to the State Government. |
| Accounts and Audit. | 17. (1) The Authority shall maintain proper accounts, other relevant records and prepare annual statement of accounts including the balance-sheet in such form as may be approved by the State Government.
(2) The accounts of the Authority shall be subject to an annual audit, the report of which will be placed before the State Legislature. |
| Annual Reports. | 18. As soon as may be after the close of a year, the Authority shall prepare an annual report of each activity during the preceding year and submit it to the State Government in such form on or before such date as may be prescribed by the State Government. |
| Validation of acts and proceedings. | 19. (1) No act done or proceeding taken under this Act shall be questioned on the ground merely of :-
(a) The existence of any vacancy, initial or subsequent, or any defect in the constitution of the Meghalaya Ropeway Development Authority;
(b) Any person having ceased to be a member;
(c) The failure to serve a notice on any person, where no substantial injustice has resulted from such failure; or
(d) Any omission, defect or irregularity not affecting the merit of the case. |

- (2) Every meeting of the Authority shall be presumed to have been duly convened and to be free from all defects and irregularities.

Finalty of orders. **20.** Save as otherwise expressly provided in this Act, every order passed or direction issued by the Authority shall be final and shall not be questioned in any suit or other legal proceeding.

Powers to delegate. **21.** The Authority may, by resolution, direct that any power exercisable by it under this Act or rules or bye-laws made, may also be exercised by any agency of the State Government or any officers with the previous consent of the State Government.

Chapter - III

Licensing Authority and Establishment

Licensing Authority. **22.** (1) An Empowered Committee headed by the Chief Secretary, Government of Meghalaya with representation from other State Government departments including Tourism, Forest & Environment, Home (Police), Transport, Urban Affairs and Public Works, shall be the Licensing Authority having powers to grant licences under this Act. The Chief Inspector of Ropeways shall be the Member Secretary of the Empowered Committee.

- (2) The composition of the Licensing Authority shall be decided and notified from time to time by the State Government by publication in the Official Gazette.

Appointment of Inspectors and Subordinate Officers and their powers and duties. **23.** (1) The State Government may appoint such person to be the Chief Ropeways Inspector as it deems fit.

(2) The Chief Ropeways Inspector and the Project Inspector shall exercise such powers and perform such functions and duties as may be provided by or under the provisions of this Act. It shall also be the duty of any such Inspector from time to time and at least once a year in the case of the Chief Ropeways Inspector and once a quarter in the case of the Project Inspector, to inspect the ropeways and to determine whether they are maintained in a fit condition and working with due regard to the convenience and safety of the persons using them and of the general public, and consistently with the provisions of this Act.

- (3) The Chief Ropeways Inspector and the Project Inspectors shall, for the purpose of any of the duties which they are authorised or required to perform under this Act, be deemed to be public servants as defined in the Indian Penal Code, 1860 (Central Act 45 of 1860).

Appointment of an Expert Committee. **24.** (1) The State Government may, by notification in the Official Gazette constitute one or more Expert Committees consisting of such number of persons, having such knowledge and experience in design, setting up and operating ropeways, and at such terms and conditions as may be prescribed.

- (2) It shall be the duty of the Expert Committee to aid and advise the State Government, Meghalaya Ropeway Development Authority, Licensing Authority, Chief Ropeway Inspector and the Project Inspector in regard to any matter connected with the administration of the Act, and also in regard to:-
- (a) design, erection or position of any ropeway or of any work appertaining thereto;
 - (b) the addition to or the alteration or closure of a ropeway;
 - (c) the variation of the character of any ropeway or of the mode of use thereof.

Facilities to be afforded to Inspectors and Expert Committee.

25. The Promoter and his agents shall afford to the Chief Ropeways Inspector, Project Inspector or, as the case may be, to the members of the Expert Committee all reasonable facilities for performing the duties, and exercising the powers imposed and conferred upon him by this Act or by rules made thereunder.

Chapter-IV

Procedure and Preliminary Investigation

Unauthorised Construction, Operation, Maintenance etc. of Ropeways prohibited.

26. No ropeway for tourism or other purposes shall be constructed, opened, operated or maintained, except in accordance with the provisions of this Act in the notified Ropeway Development Area.

Application for permission to undertake investigation.

27. Any Promoter of a Ropeway Project, who seeks to undertake an investigation for setting up of a ropeway, shall first apply for a sanction for the same to the Licensing Authority with the recommendation of the Meghalaya Ropeway Development Authority.

Sanction to preliminary.

28. (1) The Licensing Authority or, where the immovable properties not belonging to the intending Promoter are involved, the State Government may, accord sanction to the intending Promoter to make such surveys as may be necessary, which survey shall be carried out at the risk and cost of the Promoter itself.
- (2) Before according sanction under sub-section (1), the Licensing Authority or, as the case may be, the State Government may also require the intending Promoter to submit such information as it may think necessary for the full consideration of the proposal.
- (3) The intending Promoter shall not be entitled to claim any compensation from the State Government for any expense incurred under this section in the event of his application being rejected.

Chapter - V

Licence Authorizing Construction of Ropeway

Publication of proposed licence authorising construction and contents of such licence.

29. (1) The Licensing Authority may, on an application being made by any intending Promoter, and after due consideration of the details supplied in accordance with sub-section (2) of section 28, publish in at least one widely circulated local newspaper and one widely circulated national newspaper in the State, a draft of the proposed licence authorising the construction by, or on behalf of, such Promoter, subject to

such restrictions and conditions as the Licensing Authority may think proper, of a ropeway within any Ropeway Development Area or along any route specified in such licence for the carriage of passenger for tourism purposes.

- (2) A notice shall be published with the draft licence stating that any objection or suggestion which any person may desire to make with respect to the proposed licence will, if submitted to the Licensing Authority, within a period of thirty days from the date of the notice, be received and considered by it.
- (3) The Licensing Authority shall also cause public notice of the intention to grant the licence to be given at conspicuous places within the said area or along the said route, and shall, so far as may be possible cause a like notice to be served on every owner or occupier of land over which such route lies, and shall consider any objection or suggestion, with respect to the proposed licence, which may be received from any person within the period specified in sub-section (2) and take decision thereon.
- (4) The draft of the proposed licence shall contain such details of the proposed ropeway as may be prescribed.

Grant of Licence.

30. (1) If, after considering any objections or suggestions, which may have been made in respect to the draft before the expiry of the period specified in sub-section (2) of section 29, the Licensing Authority is of the opinion that the application should be granted with or without modifications, or subject to any restrictions or conditions, it shall grant a licence accordingly.
- (2) The Promoter can undertake all preparatory activities including tendering and onboarding of contractors but shall have to obtain a licence under this section before the commencement of construction.
- (3) Every licence authorising the construction of a ropeway granted under sub-section (1) shall, in such form as may be prescribed, be uploaded on the website of the State Government.

Cessation of powers given by licence under Section 30.

31. (1) If a Promoter authorised by a licence to construct a ropeway does not, within the time specified in the licence:-
 - (a) succeed in raising the full amount of capital required for the completion of the ropeway;
 - (b) make, in the opinion of the State Government, substantial progress with the construction of the ropeway; or
 - (c) complete the construction thereof;
 the powers given to the Promoter by such licence shall, unless the Licensing Authority extends the time so specified, cease to be exercised.

Revocation of licence and grant of a further licence.

32. The Licensing Authority may, on the application of the Promoter, revoke, amend, or extend the terms and conditions of the licence.

Chapter-VI

Inspection of Ropeway

Inspection of Ropeway before opening.

33. (1) No ropeway shall be opened for any kind of traffic until the Licensing Authority has, by order, sanctioned the opening thereof for that purpose. The sanction of the Licensing Authority under this section shall not be given until the Chief Ropeways Inspector has reported in writing to the Licensing Authority :-

- (a) that he has made a careful inspection of the ropeway and appurtenances;
 - (b) that the moving and fixed dimensions and such other conditions, as may be prescribed, have been complied with;
 - (c) that the ropeway is sufficiently equipped for the traffic for which it is intended;
 - (d) that due compliance of the rules and conditions of licence has been made;
 - (e) that in his opinion sufficient measures have been taken to prevent and control the pollution caused or likely to be caused by the working of the ropeway; and
 - (f) that in his opinion the ropeway is fit for traffic and can be used without danger to those using it, or to the persons employed thereon, or to the general public.
- (2) The provisions of sub-section (1) shall extend to the opening of additional sections of the ropeway, to deviation lines, and to any alteration or reconstruction materially affecting the structural character or any work to which the provisions of sub-section (1) apply or are extended by this sub-section.

Chapter-VII

Construction and Maintenance of Ropeway

Constitution of Project Committee.

- 34.** (1) A District Level 'Project Committee' shall be constituted under the chairmanship of the concerned Deputy Commissioner where the Ropeway Project is being developed. The Project Committee may have representation from concerned State Government departments including Tourism, Forest and Environment, Transport and Public Works. The Project Committee may consist of Members from the Local Community of the area in which the project is implemented.
- (2) The composition of the Project Committee shall be decided and notified from time to time by the State Government by publication in the Official Gazette.

Functions of the Project Committee.

- 35.** With regards to the ropeway projects being implemented by the State Government or any of its departments or agency or by any entity or person selected by or on behalf of the State Government, in case a ropeway project is being implemented on PPP basis, the committee shall discharge following functions, or as may be prescribed by the State Government:-
- (a) to assist in forest land diversion and clearance process;
 - (b) to assist in land acquisition, procurement and land registration;
 - (c) to assist in procuring clearance from State Pollution Control Board;
 - (d) to assist in getting supply of electricity and water to the ropeway projects;
 - (e) to assist in the diversion of transmission lines, electric poles, pipelines, etc. falling along the route alignment;
 - (f) to assist in resolution of relocation and rehabilitation issues, if any, involved in the project;
 - (g) to act as a single window for providing district level clearances to the Promoter;

- (h) to review the progress on the ropeway projects on bi-monthly basis; and
- (i) any other activity as decided by the Authority or State Government.

Authority of the Promoter to execute works.

- 36. (1)** Subject to the provisions of this Act, the Rules made thereunder, and in the case of immovable property not belonging to the Promoter, to the provisions of any enactment for the time being in force for the acquisition of land for public purposes and for companies, a Promoter may:-
- (a) make such survey as he thinks necessary;
 - (b) place and maintain posts in, on or upon any immovable property;
 - (c) suspend and maintain a rope over, along or across any immovable property;
 - (d) make such bridges, culverts, drains, embankments and roads, as may be necessary;
 - (e) erect and construct such machinery, offices, stations, warehouses, and other buildings, works and conveniences as may be necessary; and
 - (f) do all other acts necessary for constructing, maintaining, altering, repairing and using a ropeway.
- (2) Provided that a Promoter may take any action under clause (b) or clause (c) of the above sub-section, notwithstanding the objection of the owner or occupier of the property affected thereby if the Deputy Commissioner, after giving such owner and occupier by notice in writing, an opportunity of being heard, by an order in writing, permits such action.
- (3) When making an order under sub-section (2), the Deputy Commissioner shall fix the amount of compensation or of an annual rent or of both, which should, in his opinion, be paid by the Promoter to the owner of the property affected thereby or in the case of immovable property, to the owner or occupier thereof and the amount to be paid to each.
- (4) The order so made shall also fix the date by which, such amount of compensation or of the annual rent, shall be paid and the actual payment of such amount of compensation or of the first annual rent shall be a condition precedent for execution of any works referred to in sub-section (1).

Temporary entry upon land for repairing or preventing accidents.

- 37. (1)** The Promoter may, at any time for the purpose of examining or repairing a ropeway, or of preventing any accident, enter upon any immovable property adjoining such ropeway, and may do all such works as may be necessary for such purposes.
- (2) In the exercise of the powers conferred by sub-section (1), the Promoter or his duly authorised employee or agent, as the case may be, shall cause as little damage as possible, and compensation shall be paid by him for any damage so caused; and in the case of any dispute as to the amount of such compensation, or the person to whom it shall be paid, the matter shall be referred to the decision of the Deputy Commissioner.

Removal of obstructions and penalties.

- 38. (1)** When any tree standing or lying near a ropeway, or where any structure or other object which has been placed or has fallen near such ropeway subsequent to the grant of a licence under section 30, in regard to such ropeway, interrupts or interferes with, or is likely to interrupt or interfere with the construction, maintenance or use

of such ropeway, the Deputy Commissioner may, on the application of the Promoter after providing a reasonable opportunity of being heard to the person affected, cause the tree, structure or object to be removed or otherwise dealt with as he thinks fit.

Explanation: For the purpose of this sub-section, the expression “tree” shall be deemed to include any herb, shrub, hedge, jungle growth or other plant.

- (2) When disposing off an application under, sub-section (1), the Deputy Commissioner shall award to the person affected such compensation as he deems reasonable and he may recover such amount from the Promoter.

Chapter-VIII

Working of Ropeway

Fixation of fare rates by the Promoter.

39. The Promoter shall for the purposes of operation of a ropeway and subject to such maximum rates as may be prescribed by the Licensing Authority, have power, from time to time, to fix the rates for the carriage of passengers on the ropeway.

Fixation of fare rates of Ropeway Projects built under Public Private Partnership.

40. The State Government, on the recommendations of the Meghalaya Ropeway Development Authority or Expert Committee, shall fix and notify the maximum limit of the fare rates for the Ropeway Projects under PPP.

Insurance against the third party risk.

41. (1) The Promoter of such ropeway shall obtain a policy of insurance with respect to the ropeway from an authorised insurer recognised under the relevant insurance law.
- (2) The policy of insurance obtained by the Promoter under sub section (1) shall cover the insurance of the persons travelling in the ropeway including those persons employed by the Promoter in connection with the operations of such ropeway against any liability which may be incurred by him in respect of the death of or bodily injury to any person including of the goods or his authorised representatives carried in the ropeway or damage to any property of third party by, or arising out, of the use of ropeway.
- (3) Provided that the State Government shall not be liable for any claim on account of any accident or mishap in such Ropeway Projects.

Liability to pay compensation on the principles of no fault.

42. (1) Where death or permanent disablement of any person has resulted from an accident arising out of the use of ropeway, the Promoter or Promoters of the ropeway shall jointly and severally, be liable to pay compensation in respect of such death or disablement of any person.
- (2) The amount of compensation for death or permanent disablement of persons or in the case of minor injury, to be paid under sub-section (1) shall be such sum as may be prescribed by the Government.
- (3) The right to claim compensation under this section in respect of death or permanent disablement of any person shall be in addition to the right of any such person to claim compensation in respect thereof under any other law for the time being in force.

Provided that the amount of compensation payable under any other law, for the death or bodily injury shall be reduced from the amount of compensation payable under this section.

Reporting of Accidents.

43. When any accident occurs in the course of operations of a ropeway, the Promoter shall, with the least possible delay, send notice of the accident to:-

- (a) the State Government;
- (b) the Meghalaya Ropeway Development Authority;
- (c) the Licensing Authority and to Project Inspector;
- (d) the Deputy Commissioner of the District;
- (e) the police station within the local limits of which the accident has occurred or to such other magistrate and police officer as the State Government may appoint in this behalf and shall also, if the accident is attended with loss of human life or serious physical injury to any human being, send information to the nearest medical facility.

Power to close and reopen Ropeway.

44. (1) If after inspecting any ropeway opened to traffic, the Chief Ropeways Inspector is of the opinion that the ropeway or any specified part thereof cannot be used without danger to the public or is no longer in a fit state for the carriage of any specified class of traffic, it shall state that opinion, together with the grounds thereof to the Licensing Authority and the Licensing Authority, after such further enquiry if any, as it may think fit, may thereupon order that, for reasons to be set forth in the order, the ropeway, or the part thereof so specified, be closed to all traffic or to any specified class of traffic:

Provided that in any case of extreme urgency, the Chief Ropeways Inspector may order the suspension of the working of the ropeway or any part thereof which it considers necessary, pending the order of the Licensing Authority. The Chief Ropeways Inspector shall forthwith make a report of his order to the Licensing Authority who will make necessary order within a period of seven days.

(2) When under sub-section (1), a ropeway or any part thereof has been closed to any traffic, it shall not be reopened to such traffic until it has been inspected and its reopening sanctioned, in the prescribed manner.

Rescue Operations.

45. If the State Government incurs any expenditure during any rescue operation, the Promoter shall be liable to pay the expenditure incurred by the State Government and in case the Promoter fails to pay the whole or part of it, it shall be recoverable as arrears of land revenue.

Chapter - IX**Discontinuance of Ropeway****Cessation of powers of Promoters on discontinuance of Ropeway.**

46. (1) If, at any time after the opening of a ropeway, it is proved that the Promoter has discontinued the operations of such ropeway or of any part thereof, without sufficient reasons, the Licensing Authority may, if it thinks fit, after providing a reasonable opportunity of being heard to the Promoter, declare that the powers of the Promoter in respect of such ropeway or part thereof shall, from such dates as it may determine, be at an end and thereupon the said powers shall cease.

Explanation : The working of a ropeway shall be deemed to have been discontinued if it has ceased for the period determined in the licence granted under section 30, or if the period has not been so determined, for a period of three months.

Power of State Government to remove ropeway on cessation of Promoter's powers.

47. (1) When a declaration has been made by the Licensing Authority under section 46 in respect of any ropeway or of any part thereof, an officer appointed in that behalf by the Licensing Authority may at any time after the expiration of two months from the date determined as aforesaid, remove such ropeway or part thereof, as the case may be, and the Promoter shall pay to the officer so appointed such costs of removal as shall be certified by that officer to have been incurred by him.
- (2) If the Promoter fails to pay the amount of costs so certified within one month, the State Government may prescribe the procedure and mode of recovery of the cost of removal from the Promoter.

Chapter - X

Purchase or Takeover of Ropeway

Power of the State Government to purchase or takeover Ropeway.

48. (1) Where the Promoter is the State Government, the State Government may at any time transfer the undertaking or any part thereof to:
- (a) any other department or agency or public sector undertaking of the State Government; or
 - (b) to any other person selected in accordance with the Applicable Law, under such terms and conditions as may be mutually agreed upon between the State Government and the transferee.
- (2) Where the Promoter is not the State Government or Agency of the State Government and subject to the provisions under section 46 and 47, after giving reasonable opportunity of being heard, the State Government may in public interest purchase or take over the ropeway as per the procedure and conditions that may be prescribed under the Rules.

Power of Promoter to sell when option to purchase not exercised and revoked by consent.

49. Where, the State Government does not invoke the provisions of section 48, the Promoter shall have the option of disposing of all lands, buildings, works, materials, plants and apparatus belonging to the undertaking in such manner as it may think fit with prior approval of the State Government.

Expropriation by the State Government.

50. (1) If, at any time, after the opening of a ropeway, the State Government is of the opinion that an existing ropeway is required or needed by the Government in the interest of national security or in public interest, the State Government may, after considering any statement which the Promoter may desire to make, and after such enquiry as it deems necessary, declare, subject to such terms and conditions as the State Government may prescribe in this regard, that the powers of the Promoter in respect of such ropeway, shall be taken over by the State Government for such period that may be notified, and at the end of such period, all the rights, powers and authorities of the Promoter in respect of the said ropeway shall revert back to the Promoter.
- (2) As soon as may be, after a notification under sub-section (1), has been made, the State Government shall by a notice in writing, require the Promoter to transfer and handover the undertaking including all land, building, equipment and assets, clearances and permits and documents pertaining thereto to the State Government:

Provided that the notice in sub-section (2) shall set forth the modalities for the handover of the ropeway and the amount of compensation payable to the Promoter in lieu of the takeover of the ropeway by the State Government that may be prescribed as per Rules.

Chapter - XI

Inability or Insolvency of Promoter

Proceedings in case of inability or insolvency of Promoter.

51. (1) If, at any time after the opening of a ropeway, it appears to the State Government that the Promoter is insolvent or is unable to maintain the ropeway or operate the same with advantage to the public, or at all, the State Government may, after considering any statement which the Promoter may desire to make and after such enquiry as it deems necessary, declare that the powers of the Promoter in respect of such ropeway, shall, at the expiration of six months from the date of such declaration, be at the end, and thereupon the said powers shall cease at the expiration of that period.
- (2) At any time after the expiration of the said six months, an officer appointed by the State Government in that behalf, may remove the ropeway in the same manner and subject to the same provisions as provided for in section 47.

Chapter - XII

Bye - Laws

Power to make bye-laws.

52. (1) The Licensing Authority shall, subject to the provisions of sub-section (2), make bye-laws consistent with this Act :-
- (a) for regulating the speed at which carriers are to be moved or propelled;
 - (b) for regulating the maximum passengers to be carried in each carrier;
 - (c) for regulating the use of steam power or any other mechanical power or electrical power on the ropeway;
 - (d) for regulating the conduct of the Promoter's employees;
 - (e) for regulating the qualifications of the staff employed for running and maintaining the ropeway;
 - (f) for regulating the terms and condition on which the Promoter will ware house or retain goods at any station on behalf of the consignee or owner of such goods;
 - (g) generally, for regulating the travelling upon, and the use, working and management of the ropeway; and
 - (h) any other related subject as decided by the Licensing Authority or State Government.
- (2) A byelaw made under this section shall not take effect until it has been approved by the State Government and published in the Official Gazette.

Chapter - XIII

Supplementary Provisions

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| Returns. | 53. A Promoter shall, in respect of the ropeway, submit to the State Government returns of capital and revenue expenditure, receipts and traffic, at such intervals, and in such form, as may be prescribed. |
| Protection of roads, railways, tramways, and waterways. | 54. No Promoter shall, in the course of the construction, repair, working or management of a ropeway, cause any permanent injury to any public road, railway, tramway or waterway, or obstruct or interfere with, otherwise than temporarily as may be necessary, the traffic on any public road, railway, tramway or waterway. |
| Acquisition of land on behalf of a Promoter. | 55. The State Government may, if it thinks fit, subject to the provisions of the Act, on the application of any Promoter desirous of obtaining any land for the purpose of constructing, extending, working or managing a ropeway, acquire on his behalf, such land under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013) or any other Act as applicable. |

Chapter - XIV

Delegation of Powers and Making of Rules by State Government

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| Power of the State Government to make Rules. | <p>56. (1) The State Government may, make rules for carrying out the purposes of this Act.</p> <p>(2) In particular, and without prejudice to the generality of the foregoing power, such rules may prescribe :-</p> <ul style="list-style-type: none"> (a) the functions and powers that may be delegated to the Authority or to any officer of the Authority; (b) the qualifications and disqualifications for being chosen or/and for being member of the Authority; (c) the terms of office and conditions of service of the members of the Authority; (d) the matters in which and the purpose for which the Authority may associate with itself any person under the provisions of this Act; (e) the control and restrictions in relation to the appointment of officers and other employees of the Authority; (f) creation and administration of Fund of the Authority for the purpose of implementing the provisions of this Act; (g) the form of the budget and the date on or before which it shall be prepared and to be submitted to the State Government; (h) the procedure for the levy of development charges and exemption from it on any development or change of use of any land; |
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- (i) the power and duties of the Chief Ropeways Inspector and the Project Inspector appointed under section 23;
- (j) the accidents of which notice shall be given to the Licensing Authority and to the Project Inspector;
- (k) the maximum rates for passengers on the ropeway;
- (l) the duties of the Promoter, Promoter's employees and of police officers, and magistrate on the occurrence of an accident;
- (m) the standard dimensions and specifications to which the ropeway is to conform;
- (n) the safe and efficient working of ropeway;
- (o) the conditions under which, and the manner in which, the powers conferred on Promoters may be exercised;
- (p) the procedure for the disposal of application under sub-section (2) of section 44 to re-open any ropeway or part thereof and the conditions under which such ropeway may be re-opened;
- (q) the fees to be charged to Promoters and other persons in respect of licences, application, enquiries, inspection, and services rendered under this Act;
- (r) provisions for fire aid and other amenities;
- (s) the manner in which notice under this Act shall be served;
- (t) the procedure of filing, hearing and deciding objections and appeals under this Act and all matters connected therewith; and
- (u) any other matter which is to be or may be prescribed under this Act or decided by the State Government.

(3) All rules made under this section shall be published in the Official Gazette.

(4) Every rule made under this Act shall be laid, as soon as may be after it is made, before the State Legislature.

Power of the State Government to Remove Difficulties.

57. If any difficulty arises in giving effect to the provisions of the Act, the State Government may, by order, do anything expedient for the purpose of removing the difficulties, provided that it is not inconsistent with the Act.

Further provided that no such order shall be made after completion of two years from the date of commencement of this Act.

Power of the State Government to award projects.

58. The State Government may, if it deems fit, enter into an agreement with an entity or persons for implementing and operating a ropeway project within the State on PPP basis, provided that, the process for selection of such an entity or person shall be such as stipulated under the Applicable Law.

Chapter - XV**Offences, Penalties and Arrests****Failure of Promoter to comply with the Act.****59.** If a Promoter,

- (a) constructs or opens or operates or maintains a ropeway other than in accordance with the terms of a licence granted under section 30; or
- (b) contravenes any of the provisions of this Act or the provisions of any rule made under section 56; or
- (c) fails to pay within a reasonable time any compensation awarded by a Deputy Commissioner or by the State Government under the provisions of this Act;

he shall be punishable with fine which may extend to Rupees Five Lakhs and in case of a continuing offence to a further fine which may extend to Ten thousand rupees for every day after the date of the first conviction during which the offender is proved to have persisted in the offence.

Unlawfully obstructing Promoter in exercise of powers.

60. If any person, wilfully obstructs any person acting under the authority of the Promoter in the lawful exercise of his powers in constructing, maintaining, altering, repairing, or working of Ropeway or injures or destroys any mark made for the purpose of setting out the line or route of such Ropeway, he shall be punished with fine which may extend to Rupees One lakh.

Unlawfully interfering with the Ropeway.

61. If any person willfully does any of the following things, namely : -

- (a) interferes with, removes or alters any part of a ropeway or of the works connected therewith;
- (b) does anything in such manner as to obstruct any carrier travelling on a ropeway or obstructs the working of a ropeway;
- (c) attempts to do or abets within the meaning of the Indian Penal Code, 1860 (Central Act 45 of 1860) the doing of anything mentioned in clause (a) or clause (b);

he shall be liable to be punished with imprisonment for a term which may extend to six months, or with fine, which may extend to Rupees Five lakhs or with both;

Provided that the punishment under this section shall be in addition and not in derogation to the provisions of any other law for the time being in force.

Maliciously doing, abetting or attempting to do acts endangering safety of persons travelling or being upon Ropeway.

- 62.** (1) If any person does anything mentioned under clauses (a) (b) or (c) of section 61 or does, attempts to do, or abets within the meaning of Indian Penal Code 1860, the doing of any other act or thing in relation to a Ropeway with intent or with knowledge that he is likely to endanger the safety of any person traveling or being upon the Ropeway, he shall be punished with imprisonment for a term of upto seven years.
- (2) If the Promoter does anything or omits to do anything, mentioned in section 59, in relation to a ropeway with intent or with knowledge that such act or omission is likely to endanger the safety of any person travelling or being upon the ropeway, he shall be punished with imprisonment for a term which shall not be less than one month but may extend to five years.

Arrest for offence against certain sections and procedure thereupon.

- 63.** (1) Any police officer may, without an order from a Magistrate and without a warrant, arrest any person who has been concerned in an offence punishable under section 61 or 62 of this Act or against whom a reasonable suspicion exists of his having been so concerned.
- (2) A person so arrested shall be produced before a Magistrate having authority to try him or to commit him for trial within the timelines stipulated in this behalf under the Code of Criminal Procedure, 1973.

Offences under the Act not to be cognizable.

- 64.** Notwithstanding anything contained in the Code of Criminal Procedure, 1973 an offence under this Act shall not be cognizable.

Chapter - XVI**Reviews****Review by the Licensing Authority.**

- 65.** (1) All orders made by the Licensing Authority under this Act shall be appealable within thirty days from the date of order and the appeal shall lie to the State Government.
- (2) Any appeal preferred under sub-section (1) shall normally be disposed of by the State Government within three months from the date of receipt of the appeal.

M. M. SANGMA,
Joint Secretary to the Govt. of Meghalaya,
Law (B) Department.



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EXTRAORDINARY

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PART-IV

GOVERNMENT OF MEGHALAYA

LAW (B) DEPARTMENT

NOTIFICATION

The 27th September, 2022.

No.LL(B).31/91/49. – The Meghalaya Professions, Trades, Callings and Employments Taxations (Amendment) Act, 2022 (Act No. 15 of 2022) is hereby published for general information.

MEGHALAYA ACT NO. 15 OF 2022.

(As passed by the Meghalaya Legislative Assembly)

Received the assent of the Governor on the 23rd September, 2022.

Published in the Gazette of Meghalaya Extra-Ordinary issue dated 27th September, 2022.

**THE MEGHALAYA PROFESSIONS, TRADES, CALLINGS AND EMPLOYMENTS TAXATION
(AMENDMENT) ACT, 2022**

An

Act

Further to amend the Meghalaya Professions, Trades, Callings and Employments Taxation Act
(Assam Act VI of 1947 as adapted by Meghalaya)

Be it enacted by the Legislature of the State of Meghalaya in the 73rd year of the Republic of India as follows:-

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| Short title and commencement. | 1. (1) This Bill may be called the Meghalaya Professions, Trades, Callings and Employments Taxation (Amendment) Act, 2022.

(2) It shall come into force at once. |
| Insertion of new Section 3A. | 2. In the Meghalaya Professions, Trades, Callings and Employments Taxation Act (Assam Act VI of 1947 as adapted and amended by Meghalaya) hereinafter referred to as the Principal Act, after the existing Section 3, a new Section 3A shall be inserted namely:-

"3A. Registration and Enrolment. -

(1) Every employer (not being an officer of a Government Entity) liable to pay tax under section 3 shall obtain a certificate of registration from the Assessing authority in the manner as may be prescribed .

(2) Every person liable to pay tax under this Act (other than a person earning salary or wages, in respect of whom the tax is payable by his employer), shall obtain a certificate of enrolment from the Assessing authority in the manner as may be prescribed .

(3) Notwithstanding anything contained in this section, where a person is a citizen of India and is in employment of any diplomatic or consular office or trade commission of any foreign country situated in any part of Meghalaya, such person, if liable to pay tax, shall obtain a certificate of enrolment as provided in sub-section (2) and pay the tax himself.

(4) (a) Every employer required to obtain a certificate of registration shall, within ninety days of his becoming liable to pay tax, apply for a certificate of registration to the Assessing authority in the prescribed form, and the Assessing authority shall grant him such certificate, if the application is in order;

(b) Every person referred to in sub-section (2) or sub-section (3) under this Act, shall apply for a certificate of enrolment to the Assessing authority in the prescribed form along with a receipted copy as proof of payment of tax.

(c) The Assessing authority , within thirty days of the receipt of the application referred in clause (a) and clause (b), shall grant the person a certificate of Registration/ Enrolment in the manner as may be prescribed " |
| Amendment of Section 4. | 3. For the existing Section 4 of the Principal Act the following shall be substituted, namely:- |

- "4. Rates of tax. - The tax shall be levied at the rates as may be notified by the State Government from time to time".
- Amendment of Section 6.** 4. In Section 6 of the Principal Act after clause (a), the following new clauses shall be inserted, namely.-
"(aa) Additional Commissioner of Taxes.
(ab) Joint Commissioner of Taxes".
- Amendment of Section 12.** 5. In Section 12 of the Principal Act, after sub-section (4), the following new sub-section shall be inserted, namely. -
"(5) If any person who is registered under Section 3A fails to pay the tax on or before the last day of the following month of the quarter next, interest at 12% (twelve per centum) per annum shall be payable for the duration of the default:
Provided that no interest under this sub-section shall be payable if the tax paid by the due date is not less than 90% (ninety per centum) of the tax payable."
- Amendment of Section 15.** 6. In **sub-section (3)** of Section 15 of the Principal Act, for the words "shall, on conviction before a magistrate and in addition to any tax or penalty or both that may be due from him, be punishable with imprisonment which may extend to 6(six) months or with fine not exceeding five hundred rupees or with both" the words "shall after due opportunity of being heard, in addition to any tax and interest payable, be punishable with fine amounting to four times the tax sought to be evaded" shall be substituted.
- Amendment of Schedule.** 7. The Schedule appended to the Principal Act shall be omitted.
- Repeal and Saving.** 8. (1) The Meghalaya Professions, Trades, Callings and Employments Tax (Amendment) Ordinance (Ordinance No. 7 of 2022) is hereby repealed.
(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been taken or done under the provisions of this Act.

S. K. SANGMA,
Deputy Secretary to the Government of Meghalaya,
Law (B) Department.